

# IN THE UNITED STATES COURT OF FEDERAL CLAIMS

## OFFICE OF SPECIAL MASTERS

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JAMES BENCIVENGO,

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No. 08-328V

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Petitioner,

\*

Special Master Christian J. Moran

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v.

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Filed: June 25, 2009

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SECRETARY OF HEALTH

\*

AND HUMAN SERVICES,

\*

attorneys' fees and costs, award in  
the amount to which respondent has  
not objected.

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Respondent.

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Sam Rosmarin, Sam Rosmarin, PLLC, White Plains, N.Y., attorney for petitioner;

Katherine C. Esposito, United States Dep't of Justice, Washington, D.C., attorney for respondent.

### UNPUBLISHED ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>

The parties filed a joint stipulation of facts concerning attorneys' fees and costs in this matter on June 18, 2009<sup>2</sup>. Mr. Bencivengo is awarded the amount to which respondent has not objected.

The stipulation states that Mr. Bencivengo seeks a total of **\$14,873.55** in attorneys' fees and costs. In addition, the stipulation states that pursuant to General Order No. 9, Mr. Bencivengo did not advance any reimbursable costs in pursuit of his claim. Respondent states that she has no objection to the application for attorneys' fees and costs.

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

<sup>2</sup>In most cases, a petitioner seeking reimbursement for attorney's fees and costs should file with the court an application seeking those fees and costs to permit a review of the reasonableness of the application. However, in light of the relatively small amount requested in this case, comprehensive documentation is not required.

After reviewing the request, the court awards **\$14,873.55** in attorneys' fees and other litigation costs to the petitioner. Those fees and costs are awarded as follows:

**A lump sum of \$14,873.55 in the form of a check payable to petitioner and petitioner's counsel of record, Sam Rosmarin PLLC.**

The court thanks the parties for their cooperative efforts in resolving this matter.

The Clerk shall enter judgment accordingly.<sup>3</sup>

**IT IS SO ORDERED.**

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Christian J. Moran  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.